

REMARKS

Claims 1-12 are pending in the present application. Claims 1-12 have been rejected. Reconsideration is requested.

A supplemental information disclosure statement including the references that were crossed out on the previous information disclosure statement by the Examiner was submitted October 23, 2006 with copies of the references as requested by the Examiner.

Claims 1-12 were rejected under 35 U.S.C. §102(e) as being anticipated by McAlister et al. (US Pat. No. 6,398,795). Applicant respectfully traverses this rejection for the following reasons.

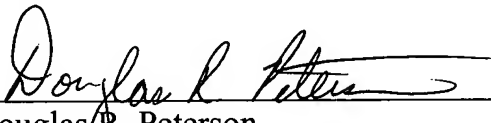
McAlister et al. does not disclose "a septum removably positionable between the first region and the second region" as recited in claim 1. Examiner states that McAlister et al. discloses a septum 50", however, reference numeral 50" refers to the stapling device. In McAlister et al., the stapling device 50 moves from a retracted position shown in FIG. 3A to a stapling position shown in FIG. 3B, and McAlister et al. does not disclose that the stapling device is removable. Further, the stapling device 50 is not "positionable between" the firing edge 54 of stapling device 50 and the anvil 12 as recited in claim 1.

Therefore, since McAlister et al. does not disclose all of the elements recited in claim 1 or those claims depending therefrom, McAlister et al. does not anticipate claims 1-12.

In view of the foregoing, Applicant respectfully submits that all pending claims are now in condition for allowance. Reexamination and reconsideration of the application are respectfully requested and allowance at an early date is solicited.

The Commissioner is authorized to charge deposit account no. 06-2425 for any unforeseen fees arising from the filing of this paper.

Respectfully submitted,
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